

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Samuel N. Edeh,

Plaintiff,

v.

Case No. 11-CV-2671 SRN/JSM

**SECOND AMENDED TRIAL NOTICE
AND FINAL PRETRIAL ORDER**

Equifax Information Services LLC,

Defendant.

Samuel N. Edeh, 619 East Center Street, Apt. 1, Rochester, MN, 55904, Pro Se.

Andrew T. Shern and Christopher G. Angell, Murnane Brandt, PA, 30 East 7th Street, Suite 3200, St. Paul, Minnesota 55101; J. Anthony Love and Brian J. Olson, King & Spalding, LLP, 1180 Peachtree Street, Atlanta, Georgia 30309, for Defendant.

TRIAL DATE

This case is now scheduled for trial before Judge Susan Richard Nelson, in Courtroom 7B, U.S. Courthouse, 316 North Robert Street, St. Paul, MN beginning on **Tuesday, October 8, 2013, at 9:00 a.m.**

PRETRIAL CONFERENCE

A pretrial conference will be conducted by Judge Nelson in Courtroom 7B at the United States Courthouse, 316 North Robert Street, St. Paul, Minnesota, on **Tuesday, October 1, 2013, at 2:00 p.m.** All attorneys and parties who will try the case must attend.

INSTRUCTIONS FOR ALL CASES

1. **Submitting Documents.** All documents must be filed electronically on ECF and served on all parties, and two courtesy copies of every document, including exhibits, must be

delivered to the chambers of Judge Nelson. Judge Nelson expects those courtesy copies to be three-hole punched and unstapled (and, if warranted, appropriately tabbed).

2. **Trial Briefs.** Each party must file a trial brief by **Monday, September 16, 2013**. In its trial brief, a party must include the following information:

- a. **Trial Counsel.** The party must list the names, addresses, telephone numbers, fax numbers, and e-mail addresses of the attorney(s) who will try the case.
- b. **Jury/Non-Jury.** The party must state whether the case is to be tried to a jury or to the Court.
- c. **Length of Trial.** The party must provide a realistic estimate of the length of the trial, including, if applicable, jury selection and jury charge.
- d. **Jurisdiction.** The party must identify the basis for federal jurisdiction of each cause of action.
- e. **Facts.** The party must provide a brief summary of the facts that the party intends to prove at trial.
- f. **Claims or Defenses.** The party must briefly describe each cause of action — including, if applicable, each claim, counterclaim, and cross-claim — and any affirmative defenses that will be tried.
- g. **Unresolved Issues.** The party must identify any substantive, evidentiary, or procedural issues that remain unresolved. The party must briefly describe the party's position on the unresolved issues and identify the primary legal authority on which the party relies.

3. Exhibits.

- a. By **Monday, September 9, 2013**, the parties must exchange lists of the exhibits that they intend to offer at trial and make those exhibits available to the other parties for examination and copying.
- b. Each party must file a list of its exhibits and send **copies** of those exhibits to chambers by **Monday, September 16, 2013**. **Original** copies of the exhibits must **not** be submitted with the pretrial papers.
 - i. Plaintiff must mark its first exhibit as “P-1” and number the others sequentially. Defendant must mark its first exhibit as “D-1” and do likewise. The case number must appear on each exhibit.
 - ii. Only exhibits that are identified on the exhibit list and filed with the Court may be offered at trial, unless the omission is excused for good cause.

4. Witness Lists. By **Monday, September 16, 2013**, each party must file a list of the names and addresses of the witnesses whom the party intends to call at trial, as well as a brief description of the substance of the expected testimony of each witness. No person who is not identified on a party’s witness list may testify at trial, unless the omission is excused for good cause.

5. Deposition Designations.

- a. By **Monday, September 9, 2013**, the parties must exchange lists of the specific deposition testimony that they intend to offer at trial. No deposition testimony that is not identified on a party’s list may be offered at trial, unless the omission is excused for good cause.

b. Deposition designations must be filed by **Monday, September 16, 2013.**

6. **Motions in Limine.** All motions in limine must be filed by **Monday, September 16, 2013**, and responses to all such motions must be filed by **Friday, September 20, 2013.** Each motion in limine must be limited to one discrete issue. No brief in support of, or in opposition to, any motion in limine may exceed 3000 words. No reply brief may be submitted with respect to any motion in limine without the prior permission of the Court.

7. **Stipulations and Settlement.** The parties are strongly encouraged to meet in advance of trial, to make every effort to settle the case, and, if settlement is not reached, to make every effort to agree on as many trial-related matters as possible, such as facts that may be treated as established and exhibits that may be treated as authentic.

8. **Courtroom Technology.** The courtroom is fully equipped with an evidence presentation system which includes a digital document camera, audio and video players and laptop connections. All exhibits are to be displayed using the courtroom technology. Training on the use of the courtroom technology systems is free and Judge Nelson requires that all attorneys involved in the litigation of a case complete at least an overview on use of the courtroom technology. Please contact the calendar clerk, Lynn Holden, at 651-848-1976 to schedule training times prior to your trial date.

ADDITIONAL INSTRUCTIONS FOR JURY TRIALS

1. **Proposed Voir Dire.** A party must file any questions that it requests the Court to ask prospective jurors during voir dire examination by **Monday, September 16, 2013.** The proposed voir dire must be e-mailed to nelson_chambers@mnd.uscourts.gov.

2. **Joint Introduction to the Case.** By **Monday, September 16, 2013**, the parties must **jointly** file a proposed introduction to the case that Judge Nelson can read to prospective jurors during voir dire. The introduction should briefly describe the parties, the major issues, the plaintiff's position, and the defendant's position. The joint introduction to the case must be e-mailed to nelson_chambers@mnd.uscourts.gov.

3. **Joint List of Parties, Attorneys, and Witnesses.** By **Monday, September 16, 2013**, the parties must **jointly** file an alphabetized list of the names of all parties, attorneys, and witnesses. Judge Nelson may provide that list to prospective jurors during voir dire. The joint list of parties, attorneys, and witnesses must be e-mailed to nelson_chambers@mnd.uscourts.gov.

4. **Proposed Jury Instructions.**

- a. No later than **Monday, September 9, 2013**, the parties must exchange proposed jury instructions. The parties must then meet and confer and make every effort to resolve disagreements over those proposed instructions.
- b. The parties must **jointly** file **one** set of proposed jury instructions by **Monday, September 16, 2013**. The proposed instructions must be e-mailed to nelson_chambers@mnd.uscourts.gov.
 - i. Each proposed instruction must be numbered, appear on a separate page, and identify supporting legal authority.
 - ii. Instructions or parts of instructions on which the parties agree must appear in plain Roman type.

- iii. If a party seeks (over objection) to have language added to or deleted from an instruction, the proposed change must be noted in boldface or italics, and a brief description of the party's position and the primary legal authority on which the party relies must be provided.

5. **Proposed Special Verdict Form.** The parties must attempt to agree on a proposed special verdict form. If they succeed, that form must be filed by **Monday, September 16, 2013**. If they do not succeed, the parties must file their own proposed forms by **Monday, September 16, 2013**. The proposed special verdict form must be e-mailed to nelson_chambers@mnd.uscourts.gov.

Dated: July 22, 2013

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge